

April 7, 1982

LB 480

to thank Senator Hoagland for bringing this bill forward. Two years ago I had a bill in Revenue Committee to start the process in this area. We floundered because it wasn't written well and it didn't really get out what we wanted to say, and so they had an interim study on it and this is what came from it. This is something that the Senior Citizens Unicameral has adopted and pushed forward. I do feel that it isn't necessary for collecting inheritance tax from one spouse and then collect it again from the next spouse. It should be transferred over to when it goes to the next generation. In other words, we are paying twice and I feel that this is wrong. So I am going to support this bill with the amendment because the amendment does take some cost out which is unnecessary for those who do not have an estate where there will be a lien put on the property. I don't feel that we should be doing this and as Senator Hoagland said, this is one time the attorneys are coming in here taking some costs out for the attorneys, which is good. So I am going to support the amendment.

SENATOR NICHOL: Senator Kahle.

SENATOR KAHLE: Senator Hoagland, would you perhaps answer a question for me? You mentioned the fees that would be saved. Is there any tax loss in this process to the counties?

SENATOR NICHOL: Senator Hoagland.

SENATOR HOAGLAND: Senator Kahle, there undoubtedly will be some loss of revenue. We have been unable to compute that and we do not believe it is going to be significant. Most of the seven plus million dollars collected on the average annually from this tax will continue to be collected.

SENATOR KAHLE: How are you going to determine when you have a small estate that would not require probate, or a large estate? Who is going to determine that? How do you go about knowing that?

SENATOR HOAGLAND: Well, in a situation where the property is jointly owned, Senator Kahle, by a husband and wife with right of survivorship, if either spouse dies, the home, that real estate automatically transfers to the surviving spouse, as you know.

SENATOR KAHLE: Yes.

SENATOR HOAGLAND: Now in that situation the provision of the amendment here, interests passing to the surviving spouse by will or in any other manner shall not be subject to tax, will take effect.